

ORIGINAL

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FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

AUG 03 2006

at 3 o'clock and 30 min. M  
SUE BEITIA, CLERK

Attorneys for Plaintiffs/Limitation Defendants  
SHIROH FUKUOKA, Individually and  
as Personal Representative of  
THE ESTATE OF MITSUKO FUKUOKA, and  
as Next Friend Of MIHO FUKUOKA, a Minor

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAI'I

In the Matter	) Civil No. CV03-00672SOM
Of	) (Non-Vehicle Tort)
	)
The Complaint of MORNING STAR	)
CRUISES, INC., a Hawaii	)
corporation.	)
	)
SHIROH FUKUOKA,	) Civil No. 04-00588 SOM-BMK
	) (Consolidated)
Plaintiff,	)
	)
vs.	) <b>LIMITATION DEFENDANTS'</b>
	) <b>MEMORANDUM IN OPPOSITION TO</b>
MORNING STAR CRUISES, INC.,	) <b>MOTION TO DISMISS</b>
	) <b>PLAINTIFF'S CLAIMS AND FOR</b>
Defendant.	) <b>ATTORNEY'S FEES AND COSTS</b>
	) <b>FILED JULY 12, 2006;</b>
	) <b>DECLARATION OF ROBERT D.</b>
	) <b>KAWAMURA; CERTIFICATE OF</b>
	) <b>SERVICE</b>
	)
	)
	) <b>Date: August 22, 2006</b>
	) <b>Time: 9:00 a.m.</b>
	) <b>Judge: Susan Oki Mollway</b>
	)

**LIMITATION DEFENDANTS' MEMORANDUM IN OPPOSITION TO  
MOTION TO DISMISS PLAINTIFF'S CLAIMS AND FOR  
ATTORNEY'S FEES AND COSTS FILED JULY 12, 2006**

I. Introduction

Limitation Plaintiff filed this motion on July 12, 2006, the same day in which Limitation Defendants provided their discovery responses and responsive documents to Limitation Plaintiff. See Court Docket. Moreover, it is Limitation Plaintiff that has failed to answer the discovery requests of Limitation Defendants.

Since receiving the responses on July 12, 2006, Limitation Plaintiff has not asked for additional responses, clarifications or for other information. See Kawamura Declaration.

II. Conclusion

Based on the foregoing, Limitation Defendants respectfully request that the Honorable court deny the instant motion.

Dated: Honolulu, Hawaii, August 3, 2006.

  
Robert D. Kawamura

Attorney for Limitation  
Defendants  
SHIROH FUKUOKA, Individually  
and as Personal Representative  
of THE ESTATE OF MITSUKO  
FUKUOKA, and as Next Friend of  
MIHO FUKUOKA, a Minor